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The Curious Case of the Incurious C.I.A.

The Central Intelligence Agency, the nation's professional eyes and ears on the world, can also be good at seeing no evil and hearing none. Robert Gates, former deputy to William Casey and nominee to succeed him as C.I.A. director, has told the Senate Intelligence Committee that the agency avoided learning how the Nicaraguan rebels were getting their money. Why? "In part because we were concerned it would get us involved in crossing the line imposed by the law."

Mr. Gates's concession, like much he said at his confirmation hearings, challenges the Senate: Should it confirm an agency veteran so deeply schooled in deception and studied ignorance? Or insist on a chief more likely to obey the law, not skirt it, while directing all American intelligence?

Congress had forbidden arms for the contras and required confidential reporting of covert intelligence agency action. Evading these laws, the President's men created operations within the National Security Council that gave aid to the contras and arms to Iran for hostages — and declared the Security Council not to be an intelligence agency with a duty to obey these laws.

Mr. Gates kept clinging to legal evasions until senators forced him to admit that the National Security Council was indeed an intelligence unit within

the meaning of the law and that he had a duty to report any illegal Security Council action. His testimony was full of regrets — and hedging. He regretted that he hadn't fought to inform Congress about contra funding. He would "contemplate" quitting if in the future the President insisted on keeping such secrets longer than necessary. He would "probably" have disagreed with President Reagan's decision to sell arms to Iran.

The laws Mr. Gates's agency has been evading were passed in response to similar evasions in the past. They're designed to preserve intelligence secrets while holding the executive branch to account, first to itself in the form of Presidential orders and second to select Congressional leaders on a confidential basis. Yet the agency charged with central intelligence responsibility didn't even peek to find out how the contras got so much money, indeed still hasn't "the faintest idea."

Mr. Gates is personable and competent but not uniquely so. He may yet persuade the Senate that he's an acceptable choice for the job in this moment of travail. But in any case, that judgment can't be reached until the commission headed by former Senator John Tower next week tells the public more about the National Security Council's curious doings that left the C.I.A. so incurious.